

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KENNETH W. DENTON,

Case No. 10-cv-00863-JLR-JPD

Plaintiff,

## REPORT AND RECOMMENDATION

V.

MICHAEL J. ASTRUE, Commissioner of the  
Social Security Administration,

Defendant.

Plaintiff brought this action to seek judicial review of the denial of his application for disability benefits by the Commissioner of the Social Security Administration. *See* Dkt. 4. The parties have stipulated that this case should be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). *See* Dkt. 19.

Based on the stipulation of the parties, the Court recommends that this case be REVERSED and REMANDED for further administrative proceedings. The parties have stipulated that on remand, an Administrative Law Judge (“ALJ”) will hold a de novo hearing in order to further develop the record and issue a new decision. Specifically, the ALJ will:

(1) reevaluate and further develop the medical evidence or record; (2) evaluate the testimony of Ronald Lee; (3) reevaluate steps two and three of the sequential evaluation process;

1 (4) reevaluate plaintiff's credibility; (5) clarify what, if any, computer skills plaintiff acquired  
2 from his cook job that could be transferred to other jobs, as any computer skills plaintiff acquired  
3 while playing video games were not acquired in a work setting and are therefore inappropriate  
4 for inclusion as a transferable skill (SSR 82-41); (6) reassess plaintiff's residual functional  
5 capacity pursuant to SSR 96-8p; and (7) reevaluate steps four and five with the assistance of a  
6 vocational expert, if necessary.

7 The parties further stipulate that plaintiff may submit additional evidence and arguments  
8 to the ALJ on remand. The ALJ will issue a de novo decision, and those other aspects of the  
9 ALJ's prior decision not specifically addressed here are not specifically affirmed. Finally, the  
10 parties agree that reasonable attorneys' fees and expenses should be awarded, upon proper  
11 application, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

12 A proposed order accompanies this Report and Recommendation.

13 DATED this 2nd day of November, 2010.

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16 JAMES P. DONOHUE  
17 United States Magistrate Judge  
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